

Appln. of: Friedl et al  
Serial No.: 10/828,502  
Filed: April 21, 2004

### **REMARKS**

Reconsideration and allowance are respectfully requested.

Claims 1, 5 and 11-13 are pending in this application. Claims 2-4 and 6-10 have been cancelled without prejudice.

The Form PTO-1449 of September 30, 2004 returned with the Office Action of November 16 did not have "Other" references YR and ZR initialed by the Examiner, nor were they crossed out. **It is respectfully requested that a further copy of this Form PTO-1449 be provided with the next action with the references YR and ZR initialed by the Examiner.**

Claims 1-3, 8, 9 and 13 stand rejected under 35 USC 102(b) as being anticipated by Tomita.

Claim 1 has been amended to include the limitations of claims 2, 3 and 4. This amendment is believed to remove this rejection over Tomita.

Claims 1-4, 8, 9 and 13 stand rejected under 35 USC 102(b) as being anticipated by Yuri.

Claim 1 has been amended to include the limitations of claims 2, 3 and 4. Claim 1 has also been amended to require that the labyrinth seal is of a crocodile type as shown in Fig. 2.

Yuri does not disclose or suggest claim 1 as amended. Specifically, Yuri does not disclose or suggest a crocodile type labyrinth seal as now claimed. Rather, Yuri discloses a pair of sealing projections 56a and 56b for respectively engaging sealing members 56c and 56d. Therefore, Yuri does not disclose or suggest claim 1 as amended.

For these reasons, claim 1 is believed to be in allowable condition.

Appln. of: Friedl et al  
Serial No.: 10/828,502  
Filed: April 21, 2004

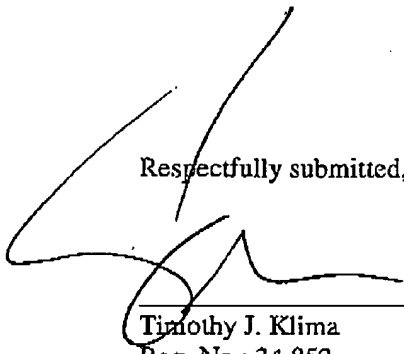
Claim 5 has been amended to depend directly from claim 1 and is believed allowable for the same reasons as claim 1.

Claims 7 and 12 have been indicated as containing allowable subject matter.

Claim 12 has been amended to include the limitations of claim 1 from which it depends. Claim 13 has been amended to include the limitations of claim 12. In view of the indication of allowable subject matter in claim 12, it is believed that these amendments should make claims 12 and 13 allowable. Claim 11 has been amended to depend from claim 12 and is believed allowable for the same reasons as claim 12 from which it depends.

In view of the above, it is believed that the application is in condition for allowance and such a Notice is respectfully requested. If anything else is needed to place the application in condition for allowance, it is kindly requested that the undersigned be contacted.

Respectfully submitted,



Timothy J. Klima  
Reg. No.: 34,852

Harbin King & Klima  
500 Ninth Street SE  
Washington, DC 20003  
Ph: 202-543-6404  
Fax: 202-543-6406